

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v.

EZEQUIEL RODRIGUEZ-POLANCO,
Defendant.

Criminal No. 25-070 (FAB)

MOTION FOR CHANGE OF PLEA AND SENTENCING HEARING

TO THE HONORABLE FRANCISCO A. BESOSA
UNITED STATES DISTRICT JUDGE
FOR DISTRICT OF PUERTO RICO

Ezequiel Rodriguez-Polanco (“Mr. Rodriguez”), represented by the Federal Public Defender for the District of Puerto Rico, through undersigned counsel, respectfully informs the Court that he will change his previously entered plea of not guilty to one of guilty.

Mr. Rodriguez and the undersigned attorney have extensively discussed the contents of the Indictment against him, the fees and penalties involved, the applicability of the federal sentencing guidelines at the time of sentencing and the evidence that the Government may present. After receiving legal counsel, Mr. Rodriguez has determined that it is in his best interest to enter a straight plea. To that end, it is respectfully requested that a change of plea hearing be scheduled.

Furthermore, Mr. Rodriguez requests this Honorable Court to sentence him on the same date immediately after the change of plea hearing. Pursuant to Rule 32(c)(1)(A)(ii) of the Federal Rules of Criminal Procedure, a Pre-Sentence Investigation Report (PSR) may be waived if the court finds that the information in the record enables it to meaningfully exercise its sentencing authority under 18 U.S.C. § 3553. In the alternative,

Mr. Rodriguez requests that the Court order an expedited PSR and waives the 35-day minimum period for the notice of the PSR, pursuant to FRCP 32(e)(2).

Mr. Rodriguez is facing an illegal reentry charge pursuant to 8 U.S.C. § 1326(a). Prior to the instant offense, he was granted a Voluntary Departure on December 3, 2011, and April 25, 2017, as specified in the Pre-Trial Services Report. D.E. 8. Mr. Rodriguez has no criminal convictions resulting in a Criminal History Category (CHC) of I. With a CHC of I, his guidelines' range is (0) to six (6) months of imprisonment.¹ Mr. Rodriguez has been detained since January 31, 2025, and may spend additional time incarcerated after completing the sentence in this case before his deportation.

For the reasons stated above, a change of plea hearing, waiver of PSR or expedited PSR and sentencing hearing is requested as soon as possible, subject to the Court's availability. This will ensure that Mr. Rodriguez is not incarcerated more time than necessary.

WHEREFORE, it is respectfully requested that the Court GRANT this motion, accept waiver of PSR and hold the change of plea and sentencing hearing on the same date.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, on April 3, 2025.

¹ The guideline for a violation of Title 8, U.S.C. § 1326(a)(2) is USSG §2L1.2. The base offense level is 8. USSG §2L1.2(a). Mr. Rodriguez meets the criteria at USSG §§4C1.1(a)(1)-(10). Therefore, he is a zero-point offender, and the offense level is reduced by two levels (-2). USSG §§4C1.1(a). Mr. Rodriguez has accepted responsibility for the offense. Accordingly, the offense level is decreased by two levels (-2). USSG §3E1.1(a). The Total Offense Level is 4.

RACHEL BRILL
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